

## § 75.360

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(2) If two or more adjacent AMS sensors malfunction or become inoperative, a trained person(s) must patrol and continuously monitor for carbon monoxide or smoke so that the affected areas will be traveled each hour in their entirety, or a trained person must be stationed to monitor at each inoperative sensor.

(3) If the complete AMS malfunctions or becomes inoperative, trained persons must patrol and continuously monitor for carbon monoxide or smoke so that the affected areas will be traveled each hour in their entirety.

(4) The trained person(s) monitoring under this section must, at a minimum, have two-way voice communication capabilities with the AMS operator at intervals not to exceed 2,000 feet and report contaminant levels to the AMS operator at intervals not to exceed 60 minutes.

(5) The trained person(s) monitoring under this section must report immediately to the AMS operator any concentration of the contaminant that reaches either the alert or alarm level specified in § 75.351(i), or the alternate alert and alarm levels specified in paragraph (e)(7) of this section, unless the source of the contaminant is known not to present a hazard.

(6) Detectors used to monitor under this section must have a level of detectability equal to that required of the sensors in § 75.351(l).

(7) For those AMSs using sensors other than carbon monoxide sensors, an alternate detector and the alert and alarm levels associated with that detector must be specified in the approved mine ventilation plan.

(f) If the minimum air velocity is not maintained when required under § 75.350(b)(7), immediate action must be taken to return the ventilation system to proper operation. While the ventilation system is being corrected, operation of the belt may continue only while a trained person(s) patrols and continuously monitors for carbon monoxide or smoke as set forth in §§ 75.352(e)(3) through (7), so that the affected areas will be traveled each hour in their entirety.

(g) The AMS shall automatically provide both a visual and audible signal in the belt entry at the point-feed regu-

lator location, at affected sections, and at the designated surface location when carbon monoxide concentrations reach:

(1) The alert level at both point-feed intake monitoring sensors; or

(2) The alarm level at either point-feed intake monitoring sensor.

[69 FR 17529, Apr. 2, 2004, as amended at 73 FR 80613, Dec. 31, 2008]

### § 75.360 Preshift examination at fixed intervals.

(a)(1) Except as provided in paragraph (a)(2) of this section, a certified person designated by the operator must make a preshift examination within 3 hours preceding the beginning of any 8-hour interval during which any person is scheduled to work or travel underground. No person other than certified examiners may enter or remain in any underground area unless a preshift examination has been completed for the established 8-hour interval. The operator must establish 8-hour intervals of time subject to the required preshift examinations.

(2) Preshift examinations of areas where pumpers are scheduled to work or travel shall not be required prior to the pumper entering the areas if the pumper is a certified person and the pumper conducts an examination for hazardous conditions, tests for methane and oxygen deficiency and determines if the air is moving in its proper direction in the area where the pumper works or travels. The examination of the area must be completed before the pumper performs any other work. A record of all hazardous conditions found by the pumper shall be made and retained in accordance with § 75.363.

(b) The person conducting the preshift examination shall examine for hazardous conditions, test for methane and oxygen deficiency, and determine if the air is moving in its proper direction at the following locations:

(1) Roadways, travelways and track haulageways where persons are scheduled, prior to the beginning of the preshift examination, to work or travel during the oncoming shift.

(2) Belt conveyors that will be used to transport persons during the oncoming shift and the entries in which these belt conveyors are located.

(3) Working sections and areas where mechanized mining equipment is being installed or removed, if anyone is scheduled to work on the section or in the area during the oncoming shift. The scope of the examination shall include the working places, approaches to worked-out areas and ventilation controls on these sections and in these areas, and the examination shall include tests of the roof, face and rib conditions on these sections and in these areas.

(4) Approaches to worked-out areas along intake air courses and at the entries used to carry air into worked-out areas if the intake air passing the approaches is used to ventilate working sections where anyone is scheduled to work during the oncoming shift. The examination of the approaches to the worked-out areas shall be made in the intake air course immediately inby and outby each entry used to carry air into the worked-out area. An examination of the entries used to carry air into the worked-out areas shall be conducted at a point immediately inby the intersection of each entry with the intake air course.

(5) Seals along intake air courses where intake air passes by a seal to ventilate working sections where anyone is scheduled to work during the oncoming shift.

(6)(i) Entries and rooms developed after November 15, 1992, and developed more than 2 crosscuts off an intake air course without permanent ventilation controls where intake air passes through or by these entries or rooms to reach a working section where anyone is scheduled to work during the oncoming shift; and,

(ii) Entries and rooms developed after November 15, 1992, and driven more than 20 feet off an intake air course without a crosscut and without permanent ventilation controls where intake air passes through or by these entries or rooms to reach a working section where anyone is scheduled to work during the oncoming shift.

(7) Areas where trolley wires or trolley feeder wires are to be or will remain energized during the oncoming shift.

(8) High spots along intake air courses where methane is likely to ac-

cumulate, if equipment will be operated in the area during the shift.

(9) Underground electrical installations referred to in §75.340(a), except those pumps listed in §75.340 (b)(2) through (b)(6), and areas where compressors subject to §75.344 are installed if the electrical installation or compressor is or will be energized during the shift.

(10) Other areas where work or travel during the oncoming shift is scheduled prior to the beginning of the preshift examination.

(c) The person conducting the preshift examination shall determine the volume of air entering each of the following areas if anyone is scheduled to work in the areas during the oncoming shift:

(1) In the last open crosscut of each set of entries or rooms on each working section and areas where mechanized mining equipment is being installed or removed. The last open crosscut is the crosscut in the line of pillars containing the permanent stoppings that separate the intake air courses and the return air courses.

(2) On each longwall or shortwall in the intake entry or entries at the intake end of the longwall or shortwall face immediately outby the face and the velocity of air at each end of the face at the locations specified in the approved ventilation plan.

(3) At the intake end of any pillar line—

(i) If a single split of air is used, in the intake entry furthest from the return air course, immediately outby the first open crosscut outby the line of pillars being mined; or

(ii) If a split system is used, in the intake entries of each split immediately inby the split point.

(d) The person conducting the preshift examination shall check the refuge alternative for damage, the integrity of the tamper-evident seal and the mechanisms required to deploy the refuge alternative, and the ready availability of compressed oxygen and air.

(e) The district manager may require the certified person to examine other areas of the mine or examine for other hazards during the preshift examination.

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(f) *Certification.* At each working place examined, the person doing the preshift examination shall certify by initials, date, and the time, that the examination was made. In areas required to be examined outby a working section, the certified person shall certify by initials, date, and the time at enough locations to show that the entire area has been examined.

(g) *Recordkeeping.* A record of the results of each preshift examination, including a record of hazardous conditions and their locations found by the examiner during each examination and of the results and locations of air and methane measurements, shall be made on the surface before any persons, other than certified persons conducting examinations required by this subpart, enter any underground area of the mine. The results of methane tests shall be recorded as the percentage of methane measured by the examiner. The record shall be made by the certified person who made the examination or by a person designated by the operator. If the record is made by someone other than the examiner, the examiner shall verify the record by initials and date by or at the end of the shift for which the examination was made. A record shall also be made by a certified person of the action taken to correct hazardous conditions found during the preshift examination. All preshift and corrective action records shall be countersigned by the mine foreman or equivalent mine official by the end of the mine foreman's or equivalent mine official's next regularly scheduled working shift. The records required by this section shall be made in a secure book that is not susceptible to alteration or electronically in a computer system so as to be secure and not susceptible to alteration.

(h) *Retention period.* Records shall be retained at a surface location at the mine for at least 1 year and shall be made available for inspection by authorized representatives of the Secretary and the representative of miners.

[61 FR 9829, Mar. 11, 1996, as amended at 61 FR 55527, Oct. 25, 1996; 62 FR 35085, June 30, 1997; 64 FR 45170, Aug. 19, 1999; 73 FR 80697, Dec. 31, 2008]

EFFECTIVE DATE NOTE: At 77 FR 20714, Apr. 6, 2012, § 75.360 was amended by revising paragraphs (a)(2), (b) introductory text, (e), and (g), and adding new paragraph (b)(11), effective Aug. 6, 2012. For the convenience of the user, the added and revised text is set forth as follows:

### § 75.360 Preshift examination at fixed intervals.

(a) \* \* \*

(2) Preshift examinations of areas where pumpers are scheduled to work or travel shall not be required prior to the pumper entering the areas if the pumper is a certified person and the pumper conducts an examination for hazardous conditions and violations of the mandatory health or safety standards referenced in paragraph (b)(11) of this section, tests for methane and oxygen deficiency, and determines if the air is moving in its proper direction in the area where the pumper works or travels. The examination of the area must be completed before the pumper performs any other work. A record of all hazardous conditions and violations of the mandatory health or safety standards found by the pumper shall be made and retained in accordance with § 75.363 of this part.

(b) The person conducting the preshift examination shall examine for hazardous conditions and violations of the mandatory health or safety standards referenced in paragraph (b)(11) of this section, test for methane and oxygen deficiency, and determine if the air is moving in its proper direction at the following locations:

\* \* \* \* \*

(11) Preshift examinations shall include examinations to identify violations of the standards listed below:

- (i) §§ 75.202(a) and 75.220(a)(1)—roof control;
- (ii) §§ 75.333(h) and 75.370(a)(1)—ventilation, methane;
- (iii) §§ 75.400 and 75.403—accumulations of combustible materials and application of rock dust;
- (iv) § 75.1403—other safeguards, limited to maintenance of travelways along belt conveyors, off track haulage roadways, and track haulage, track switches, and other components for haulage;
- (v) § 75.1722(a)—guarding moving machine parts; and
- (vi) § 75.1731(a)—maintenance of belt conveyor components.

\* \* \* \* \*

(e) The district manager may require the operator to examine other areas of the mine or examine for other hazards and violations

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of other mandatory health or safety standards found during the preshift examination.

\* \* \* \* \*

(g) *Recordkeeping.* A record of the results of each preshift examination, including a record of hazardous conditions and violations of the nine mandatory health or safety standards and their locations found by the examiner during each examination, and of the results and locations of air and methane measurements, shall be made on the surface before any persons, other than certified persons conducting examinations required by this subpart, enter any underground area of the mine. The results of methane tests shall be recorded as the percentage of methane measured by the examiner. The record shall be made by the certified person who made the examination or by a person designated by the operator. If the record is made by someone other than the examiner, the examiner shall verify the record by initials and date by or at the end of the shift for which the examination was made. A record shall also be made by a certified person of the action taken to correct hazardous conditions and violations of mandatory health or safety standards found during the preshift examination. All preshift and corrective action records shall be countersigned by the mine foreman or equivalent mine official by the end of the mine foreman's or equivalent mine official's next regularly scheduled working shift. The records required by this section shall be made in a secure book that is not susceptible to alteration or electronically in a computer system so as to be secure and not susceptible to alteration.

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### § 75.361 Supplemental examination.

(a) Except for certified persons conducting examinations required by this subpart, within 3 hours before anyone enters an area in which a preshift examination has not been made for that shift, a certified person shall examine the area for hazardous conditions, determine whether the air is traveling in its proper direction and at its normal volume, and test for methane and oxygen deficiency.

(b) *Certification.* At each working place examined, the person making the supplemental examination shall certify by initials, date, and the time, that the examination was made. In areas required to be examined outby a working section, the certified person shall certify by initials, date, and the time at

enough locations to show that the entire area has been examined.

EFFECTIVE DATE NOTE: At 77 FR 20714, Apr. 6, 2012, § 75.361 was amended by revising paragraph (a), effective Aug. 6, 2012. For the convenience of the user, the revised text is set forth as follows:

### § 75.361 Supplemental examination.

(a)(1) Except for certified persons conducting examinations required by this subpart, within 3 hours before anyone enters an area in which a preshift examination has not been made for that shift, a certified person shall examine the area for hazardous conditions and violations of the mandatory health or safety standards referenced in paragraph (a)(2) of this section, determine whether the air is traveling in its proper direction and at its normal volume, and test for methane and oxygen deficiency.

(2) Supplemental examinations shall include examinations to identify violations of the standards listed below:

- (i) §§ 75.202(a) and 75.220(a)(1)—roof control;
- (ii) §§ 75.333(h) and 75.370(a)(1)—ventilation, methane;
- (iii) §§ 75.400 and 75.403—accumulations of combustible materials and application of rock dust;
- (iv) § 75.1403—other safeguards, limited to maintenance of travelways along belt conveyors, off track haulage roadways, and track haulage, track switches, and other components for haulage;
- (v) § 75.1722(a)—guarding moving machine parts; and
- (vi) § 75.1731(a)—maintenance of belt conveyor components.

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### § 75.362 On-shift examination.

(a) (1) At least once during each shift, or more often if necessary for safety, a certified person designated by the operator shall conduct an on-shift examination of each section where anyone is assigned to work during the shift and any area where mechanized mining equipment is being installed or removed during the shift. The certified person shall check for hazardous conditions, test for methane and oxygen deficiency, and determine if the air is moving in its proper direction.

(2) A person designated by the operator shall conduct an examination to assure compliance with the respirable dust control parameters specified in